

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #: _____
DATE FILED: 11/18/2020

John Bates,

Plaintiff,

-v-

Union Square Hospitality Group, LLC, *et al.*,

Defendants.

20-cv-6350 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On November 11, 2020, Defendants filed a motion to dismiss. Pursuant to Rule 3.F. of this Court's Individual Practices in Civil Cases, on or before November 23, 2020, Plaintiff must notify the Court and its adversaries in writing whether (1) it intends to file an amended pleading and when it will do so or (2) it will rely on the pleading being attacked. Plaintiff is on notice that declining to amend its pleadings to timely respond to a fully briefed argument in the September 14 motion to dismiss may constitute a waiver of the Plaintiff's right to use the amendment process to cure any defects that have been made apparent by Defendants' briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC.*, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility").

If Plaintiff chooses to amend, Defendants may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that they rely on the initially-filed motion to dismiss. Nothing in this Order alters the time to amend, answer, or move provided by the Federal Rules of Civil Procedure or Local Rules.

SO ORDERED.

Dated: November 17, 2020
New York, New York



ALISON J. NATHAN
United States District Judge